

ORDINANCE OF THE HOOPA VALLEY TRIBE
HOOPA VALLEY INDIAN RESERVATION
HOOPA, CALIFORNIA

Title 8

ORDINANCE NO: 99-01; Codifying Resolution 81-24, as clarified February 7, 1985 (Resolution Number 85-34).

DATE APPROVED: February 11, 1999

SUBJECT: CONFLICT OF INTEREST AND NEPOTISM ORDINANCE

WHEREAS: The Hoopa Valley Tribe adopted a Constitution and Bylaws on June 20, 1972, which was approved by the Commissioner of Indian Affairs on August 18, 1972, and confirmed and ratified by the United States Congress on October 31, 1988;

WHEREAS: On February 17, 1981, the membership of the Hoopa Valley Tribe voted in a referendum election on the issues of Conflict of Interest and Nepotism;

WHEREAS: The referendum ballot measure mandated that the election results should take effect immediately upon the official certification of the February 17, 1981 election;

WHEREAS: The Hoopa Valley Tribal Council wishes to codify the result of the February 17, 1981 election in a format consistent with that of the Hoopa Valley Tribal Code;

WHEREAS: Previous codification of the result of the February 17, 1981 election was accomplished via two different resolutions;

WHEREAS: The previous format of Title 8 was not easy to comprehend;

WHEREAS: Utilizing a uniform codification of the result of the February 17, 1981 election will make it easier to understand and comply with the Conflict of Interest and Nepotism Ordinance;

WHEREAS: Consistent with the Constitution and Bylaws, Article VII, section 4, the uniform version of Title 8 does not change the result of the February 17, 1981 election;

NOW, THEREFORE, BE IT RESOLVED that the Hoopa Valley Tribal Council hereby adopts the uniform version of the Conflict of Interest and Nepotism Ordinance.

§ 1 PURPOSE

The purpose of the February 17, 1981 vote and the resulting Conflict of Interest and Nepotism issues was to promulgate uniform regulations that avoid self-dealing to the benefit of individual Committee, Board, Commission and Council members and/or their families and apply uniformly to all Tribal operations, programs and entities.

§ 2 DEFINITIONS

- a) **"Tribe"** means the Hoopa Valley Tribe, its departments, programs, entities and subdivisions operating under a governing document established pursuant to authority contained in the Hoopa Valley Tribal Constitution and Bylaws.
- b) **"Council"** means the Hoopa Valley Tribal Council as established by the Hoopa Valley Tribal Constitution and Bylaws.
- c) **"Tribal Entity"** or **"Tribal Operation"** means the Hoopa Valley Tribe itself, its departments, programs, entities and subdivisions operating under a governing document established pursuant to authority contained in the Hoopa Valley Tribal Constitution and Bylaws.

§ 3 EFFECTIVE DATE

This Ordinance is effective upon official certification of the results of the February 17, 1981 election.

§ 4 COMMITTEE APPOINTMENTS

No Council member shall be eligible to sit as a voting member on standing committees of the Tribe.

§ 5 BOARD APPOINTMENTS

Council members shall not be eligible to sit as a voting member on the Board of Directors of any Tribal entity chartered under the Tribal Constitution.

§ 6 EMPLOYMENT OF TRIBAL COUNCIL MEMBERS PROHIBITED

Council members shall not be employed within any tribal operation.

§ 7 EMPLOYEES AS BOARD AND COMMITTEE MEMBERS

Members of the governing Board of any Tribal program or chartered entity shall not be employed in any paid position which is subject to direct appointment or supervision by that governing Board.

§ 8 PROHIBITION OF CONFLICTS BY COUNCIL, COMMITTEE OR BOARD MEMBERS

No Council member, Committee member or Board members shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence or judgment or action in the performance of his official duties. No such member shall use information to which they have access to advance the financial or other private interests of themselves or others.

No such member shall accept any valuable gifts, whether in the form of services, loan, thing or promise from any person who is interested, directly or indirectly in business dealings with the Tribe or grant any improper favor or service.

No such member shall appear in behalf of private interests before any agency of the Tribe or represent other interests in any action or proceedings against the interests of the Tribe. A Council member may appear before private or tribal agencies on behalf of his constituents or in the performance of tribal or civil obligations.

- a) Disqualification for Interest: No Council member, Committee member or Board member shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any matter affecting his/her pecuniary interest or pecuniary interests of any corporation, partnership or individuals in which he is directly or indirectly interested. Any member of the Council, a committee, or a Board shall withdraw from the Council, a committee, or a Board meeting during the deliberation or determination of any matter with respect to which he is disqualified and the minutes shall so state. He may be counted present for the purpose of constituting

a quorum. Should any such member not comply with these provisions, his vote shall automatically be void and not counted. Intentional non-compliance shall be considered misconduct and the member shall be subject to removal under appropriate provision of the Constitution and Bylaws.

§ 9 DISQUALIFICATION FOR NEPOTISM

No Council member, committee member or Board member shall take part in the deliberation upon or in the determination of any matter affecting his: spouse, son, daughter, sister, brother, mother, father, grandmother, grandfather, aunt, uncle, niece, nephew, and the following in-laws: son, daughter, brother, sister, mother and father.

Such member shall withdraw from the Council, a committee, or a Board meeting during the deliberation or determination of any matter with respect to which he is disqualified and the minutes shall so state. He may be counted present for the purpose of constituting a quorum. Should any such member not comply with these provisions, his vote shall automatically be void and not counted. Intentional non-compliance shall be considered misconduct and the member shall be subject to removal under appropriate provision of the Constitution and Bylaws.

§ 10 NEPOTISM PERTAINING TO SERVICE ON BOARDS AND COMMITTEES

Members of an immediate family defined as: spouse, son, daughter, father, mother, sister, brother, grandmother, grandfather, aunt, uncle, niece, nephew and the following in-laws: son, daughter, brother, sister, mother and father shall not serve together on the same Board or committee.

§ 11 SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provisions of this Ordinance are severable.

§ 12 SOVEREIGN IMMUNITY PRESERVED

Nothing herein is intended to be or shall be interpreted to be a waiver of the sovereign immunity of the Hoopa Valley Tribe from unconsented suit in tribal, federal or state court.

CERTIFICATION

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council do hereby certify that the Hoopa Valley Tribal Council is composed of eight members of which six (6) were present, constituting a quorum at a Regular Meeting thereof; duly and regularly called, noticed, convened and held this 11th day February, 1999; and that this Ordinance was duly adopted by a vote of five (5) for, zero (0) opposed, and zero (0) abstaining; and that since approval, this Ordinance has not been rescinded, amended, or modified in any form.

DATED February 11, 1999.

Merv George, Jr., Chairman
Hoopa Valley Tribal Council

ATTEST: _____
Darcy Baldy, Executive Secretary
Hoopa Valley Tribal Council